

HOUSE BILL 2742
By Bunch

AN ACT to amend Tennessee Code Annotated, Title 16, Chapter 15, relative to the correction of judgments in courts of general sessions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 16-15-727, is amended by designating the existing language as subsection (a) and by adding the following language as a new subsection (b):

(b)

(1) On motion and upon such terms as are just, a general sessions court may relieve a party or the party's legal representative from a final judgment, order or proceeding for the following reasons:

(A) Mistake, inadvertence, surprise or excusable neglect;

(B) Fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party;

(C) The judgment is void;

(D) The judgment has been satisfied, released or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that a judgment should have prospective application; or

(E) Any other reason justifying relief from the operation of the judgment.

(2) The party seeking relief shall make such motion within a reasonable time, but not more than one (1) year after the judgment, order or proceeding was entered or taken.

(3) A motion made pursuant to this subsection does not affect the finality of a judgment or suspend its operation, but a general sessions court may enter an order suspending the

operation of the judgment upon such terms as to bond and notice as to it shall seem proper pending the hearing of such motion.

(4) This subsection does not limit the power of a general sessions court to entertain an independent action to relieve a party from a judgment, order or proceeding, or to set aside a judgment for fraud upon the court.

SECTION 2. This act shall take effect July 1, 2004, the public welfare requiring it, and shall apply to all causes of action arising on or after such date.